

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

YAN SHAO, : CIVIL NO. 1:00-CV-1901  
: Plaintiff : (Judge Rambo)  
: v. : (Magistrate Judge Smyser)  
CHARLES DAY, :  
: Defendant :  
:

REPORT AND RECOMMENDATION

By Order of March 17, 2003, this magistrate judge was appointed:

- (A) To oversee collection of information as to Defendant's assets which may be subject to levy;
- (B) To convene a settlement conference between the parties; and
- (C) To establish a deadline by which the judgment and all sanctions in this matter shall be fully satisfied.

The Order also established a ninety day deadline for the magistrate judge to provide the Court with a report and recommendation regarding whether there remain any outstanding issues in this case and regarding the disposition of the matter. The Court's deadline for this Report and Recommendation is June 16, 2003.

A deadline of June 2, 2003 for the satisfaction of judgment and all sanctions was set by Order of March 25, 2003.

A settlement conference was held on April 27, 2003. A conditional settlement agreement between the plaintiff and defendant Charles Day was reached, providing for a settlement to be finalized by June 2, 2003 if the defendant were to have become able to pay the agreed amount by that date.

The Order of April 30, 2003 (Doc. 132) requires certain outstanding discovery to be completed by June 3, 2003.

By Order of June 3, 2003, it was ordered that, on or before June 9, 2003, the parties show cause why it should not be recommended to the Court by the undersigned magistrate judge that the case be closed. The plaintiff responded to this Order on June 9, 2003, stating that the plaintiff did not respond to discovery on or before June 3, 2003 as directed by the Order of April 30, 2003. The response also stated that a sanction imposed by the Court upon Pamela J. Day in the amount of \$500 remains unpaid. It also states that the subject matter of a contempt motion pending before the court remains outstanding. The plaintiff has stated her intention to file another discovery-related motion and another contempt motion.

Despite the establishment of a deadline by which the judgment and all sanctions in this matter were to be satisfied, they have not been satisfied. Despite a settlement compromise on the plaintiff's part, there has not been an accomplishment of the settlement terms and conditions.

It is recommended that the Court conduct such contempt proceedings as the Court deems to be appropriate and make disposition of the remaining contempt issues.

/s/ J. Andrew Smyser

J. Andrew Smyser  
Magistrate Judge

Dated: June 10, 2003.